

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejections under 35 U.S.C. §112

Claims 1-31 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1-31 have been amended accordingly.

Rejections under 35 U.S.C. §103

Claims 1, 2, 6-8, 12, 13, 15, 16, 21-28, 30 and 31 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,195,187 to Yang. Applicant respectfully traverses this rejection.

It is noted first that independent claim 1 is limited to “a closure . . . with an orientation so that only a single hand of the user is required to open each of the closures”. Independent claim 21 is limited to “a plurality of pockets with zippers disposed on the pair of front jacket panels, the zippers being adapted so that only a single hand of the user is required to open the pockets”. It may be noted next that “A closure adapted so that only a single hand of the law enforcement officer is required to open the pocket means that the closure is oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body” (specification, par. [0024]).

However, Yang clearly fails to provide any teaching or suggestion of a “closure . . .

oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body”. For example, zipper 7b is situated adjacent a relatively large neck hole. Tugging on the zipper 7b would cause the material adjacent the neck hole to pull away from the neck of the wearer thereby causing wrinkling or bunching of the closure or of the jacket body.

Similarly, zipper 5b is located below the armpit of the wearer. Since the zipper 5b is located below the armpit of the user, tugging on the zipper 5b would cause rotation of the pocket garb around the body of the wearer, again resulting in wrinkling or bunching of the closure or of the jacket body.

In contrast, the claimed invention is drawn to a closure orientation in which the zipper is pulled downward and away from the neck. Pulling a zipper downward and away from the neck causes any force to be transferred through the jacket to the back of the neck of a user. Since the jacket is already in contact with the back of the neck of the wearer, the pulling action does not cause wrinkling or bunching of the jacket. In effect, the orientation of the zipper causes the jacket to be self-stabilizing even under the forces imparted to the jacket by opening a closure.

For example, FIG. 1 of the specification shows first and second pockets 32, 34. The pockets 32, 34 are oriented so that “in a closed position, a control handle 36, 38 of the zipper 40, 42 is disposed adjacent the neck of the wearer of the jacket 10 . . . To open the wearer simply grasps the handle 36, 38 in one hand and pulls downward” (Specification, par. [0034]). During opening of the zipper, “The downward force on the handle 36, 38 is transferred through the zipper 40, 42 and neck portion 16, to the neck of the wearer” (Specification, par. [0034]). The neck portion 16 is clearly shown in FIG. 1 to be the back of the neck of the wearer.

FIG. 1 also shows third and fourth pockets 44, 46 that operate in substantially the same way. As above, “The downward force on the handle 52, 54 is transferred through the zipper 48, 50 and neck portion 16 to the neck of the wearer” (Specification, par. [0038]).

Since Yang shows horizontal zippers, or zippers that are opened by pulling upwards, Yang does not do the same or any similar thing as that of the claimed invention. Since Yang does not do the same or anything similar to that of the claimed invention, the rejection of independent claims 1 and 21 are improper and should be withdrawn.

The Examiner asserts that “Yang does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to an intended use of the claimed structure” (Office Action of 7/21/05, page 4). It is noted in this regard that the claims are not drawn to an intended use; but, instead, to the physical adaptations made to the pockets that allow use with police equipment. To this end, “The receptacles 32, 34 may be adapted for use with a handgun 200, 202 . . . Consistent with this adaptation, the zippers 40, 42 may be approximately 7 inches long to allow insertion of the handgun 200, 202” (Specification, par. [0035]). Further, the pockets 32, 34 “may be provided with a tapered bottom . . . The tapered bottom functions to retain a barrel of the gun in a downward direction, thereby assuring that the handle of the gun is always readily available adjacent the opening provide by the zipper 40, 42” (Specification, par. [0035]). Nowhere within Yang is there any teaching or suggestion of any similar adaptations.

Similarly, “pockets 44, 46 “may extend downwards with a tubular shape . . . The tubular shape functions to retain the handle of the baton 204, 206 at the top of the pocket 44, 46, thereby assuring that the handle of the baton 204, 206 is always readily available adjacent the opening

provided by the zipper 48, 50” (Specification, par. [0039]). Nowhere within Yang is there any teaching or suggestion of any similar adaptations.

The Examiner asserts with regard to Yang that “The pair of front panels have a receptacle (see 10a in Fig. 9) on a lower inside surface as in claim 6 . . . This receptacle is a capable of carrying prisoner restraint devices” (Office Action of 7/21/05, page 5). However, the claims are not drawn to receptacles that are capable of carrying prisoner restraint devices. Instead the claims are drawn to receptacles adapted to carry prisoner restraint devices.

In this regard, the claimed jacket has been adapted to receive police equipment by providing a suite of receptacles for prisoner restraint devices. In this regard, “the two outside pockets 94, 96, 100, 104 of each suite 90, 92 may be used to hold plastic handcuffs . . . An inner pocket 96, 102 may be used to hold metal handcuffs” (Specification, par. [0055]). A flap 106, 108 has been adapted to contain release devices. In each case, the adaptation involves a specific physical characteristic that is directly related to the device involved.

In general, Yang fails to provide any teaching whatsoever of any of the adaptations described and claimed in conjunction with the invention. Further, the Yang “object of the present invention is to provide a kind of protective garb having pockets of large capacity, which can contain large quantities of money or articles like a portfolio, suitcase or handbag” (Yang, col. 1, lines 28-31). Since Yang is intended to hold money, it clearly is not adapted for police equipment.

The Examiner asserts with regard to claim 22 that “Yang shows a cover (flap 20; see Fig. 9) and a plurality of receptacles on the inside surface (e.g., 6a, 10a shown in Fig 9) capable of receiving prisoner restraint devices” (Office Action of 7/21/05, page 5). However, the

Examiner's flap 20 is merely a leather facing intended to prevent the zipper from "disengaging from gripping under larger pressure" (Yang, col. 4, lines 20-25).

For any of the above reasons, Yang does not do the same or any similar thing as that of the claimed invention. Since Yang does not do the same or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Claims 1, 2, 15-17 and 19-21 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,603,646 to Tobias. Applicant respectfully traverses this rejection.

As noted above, independent claim 1 is limited to "a closure . . . with an orientation so that only a single hand of the user is required to open each of the closures". Independent claim 21 is limited to "a plurality of pockets with zippers disposed on the pair of front jacket panels, the zippers being adapted so that only a single hand of the user is required to open the pockets". It may be noted next that "A closure adapted so that only a single hand of the law enforcement officer is required to open the pocket means that the closure is oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body" (specification, par. [0024]).

However, Tobias clearly fails to provide any teaching or suggestion of a "closure . . . oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body". For example, stash pocket with zipper 104 fails to provide any teaching at all regarding an orientation that would allow a single hand of the user to open the zipper 104. More specifically, Tobias fails to provide any teaching about the direction in which the zipper 104 operates.

Similarly, zipper 112 is a horizontal zipper that would cause rotation of the jacket around the torso of the wearer when opened and, consequently, wrinkling or bunching of the jacket. Pocket 96 shows a covering flap 98 with a pressure snap and “a ‘D’ ring closure for snap shackle 102” (Tobias, col. 2, lines 58-59) that would prevent one hand operation. Pocket 116 shows a zipper 118 that has a horizontal top portion that would cause rotation of the jacket around the torso of the user when opened and, consequently wrinkling or bunching of the jacket. Pocket 132 “may be closed by a zip-around zipper 126” (Tobias, col. 3, lines 11-12) that also has a horizontal portion that would cause rotation of the jacket around the torso of the user and, consequently, wrinkling or bunching of the jacket.

In contrast, the claimed invention is drawn to a closure orientation in which the zipper is pulled downward and away from the neck. Pulling a zipper downward and away from the neck causes any force to be transferred through the jacket to the back of the neck of a user. Since the jacket is already in contact with the back of the neck of the wearer, the pulling action does not cause wrinkling or bunching of the jacket. In effect, the orientation of the zipper causes the jacket to be self-stabilizing even under the forces imparted to the jacket by opening a closure.

Since Tobias shows horizontal zippers, or flaps with “D” ring closures, Tobias does not do the same or any similar thing as that of the claimed invention. Since Tobias does not do the same or anything similar to that of the claimed invention, the rejection of independent claims 1 and 21 are improper and should be withdrawn.

The Examiner asserts that “Tobias does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to an intended use of the claimed structure” (Office Action of 7/21/05, pages 6-7). It is noted in this regard that the claims

are not drawn to an intended use; but, instead, to the adaptations of the pockets (discussed above) that allow use with police equipment.

For any of the above reasons, Tobias does not do the same or any similar thing as that of the claimed invention. Since Tobias does not do the same or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Claims 1, 2, 15-19 and 21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,314,579 to Marcon. Applicant respectfully traverses this rejection.

As noted above, independent claim 1 is limited to “a closure . . . with an orientation so that only a single hand of the user is required to open each of the closures”. Independent claim 21 is limited to “a plurality of pockets with zippers disposed on the pair of front jacket panels, the zippers being adapted so that only a single hand of the user is required to open the pockets”. It may be noted next that “A closure adapted so that only a single hand of the law enforcement officer is required to open the pocket means that the closure is oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body” (specification, par. [0024]).

However, Marcon clearly fails to provide any teaching or suggestion of a “closure . . . oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body”. For example, with the exception of size, the pockets of Marcon are all shown to be alike. Further, “The pocket is closed by a zipper” (Marcon, col. 3, lines 53-54). Since the pockets are all shown with a flap, the Marcon pockets would most likely all have a horizontal zipper. However, there is no indication of which direction any zipper would operate from in

order to be opened. As such, Marcon fails to provide any teaching or suggestion of a closure operable with one hand.

In contrast, the claimed invention is drawn to a closure orientation in which the zipper is pulled downward and away from the neck. Pulling a zipper downward and away from the neck causes any force to be transferred through the jacket to the back of the neck of a user. Since the jacket is already in contact with the back of the neck of the wearer, the pulling action does not cause wrinkling or bunching of the jacket. In effect, the orientation of the zipper causes the jacket to be self-stabilizing even under the forces imparted to the jacket by opening a closure.

Since Marcon shows horizontal zippers, Marcon does not do the same or any similar thing as that of the claimed invention. Since Marcon does not do the same or anything similar to that of the claimed invention, the rejection of independent claims 1 and 21 are improper and should be withdrawn.

The Examiner asserts that “Marcon does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to an intended use of the claimed structure” (Office Action of 7/21/05, page 8). It is noted in this regard that the claims are not drawn to an intended use; but, instead, to the adaptations of the pockets (discussed above) that allows use with police equipment.

For any of the above reasons, Marcon does not do the same or any similar thing as that of the claimed invention. Since Marcon does not do the same or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Claims 1, 2, 6-8, 12, 13, 15-17, 19, 22-25, 27, 28 and 31 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,718,000 to Ost et al. Applicant respectfully

traverses this rejection.

As noted above, independent claim 1 is limited to “a closure . . . with an orientation so that only a single hand of the user is required to open each of the closures”. It may be noted next that “A closure adapted so that only a single hand of the law enforcement officer is required to open the pocket means that the closure is oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body” (specification, par. [0024]).

However, Ost et al. clearly fails to provide any teaching or suggestion of a “closure . . . oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body”. For example, “pockets 40 of vest 10 become the internal pockets 240 of first composite jacket 200 and the external pockets 241 are pockets 140 of the inner jacket” (Ost et al. col. 5, lines 48-50) and “Pockets 40 . . . are opened/closed using conventional closure mechanisms (Ost et al., col. 4, lines 64-66). The mechanism of conventional closure would clearly involve the use of two hands.

In contrast, the claimed invention is drawn to a closure orientation in which the zipper is pulled downward and away from the neck. Pulling a zipper downward and away from the neck causes any force to be transferred through the jacket to the back of the neck of a user. Since the jacket is already in contact with the back of the neck of the wearer, the pulling action does not cause wrinkling or bunching of the jacket. In effect, the orientation of the zipper causes the jacket to be self-stabilizing even under the forces imparted to the jacket by opening a closure.

Since Ost et al. describes the use of conventional closures, Ost et al. does not do the same

or any similar thing as that of the claimed invention. Since Ost et al. does not do the same or anything similar to that of the claimed invention, the rejection of independent claims 1 and 21 are improper and should be withdrawn.

The Examiner asserts that “Ost et al. does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to an intended use of the claimed structure” (Office Action of 7/21/05, page 9). It is noted in this regard that the claims are not drawn to an intended use; but, instead, to the adaptations of the pockets (discussed above) that allows use with police equipment.

For any of the above reasons, Ost et al. does not do the same or any similar thing as that of the claimed invention. Since Ost et al. does not do the same or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Claims 1, 2 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 2,150,251 to Shanhouse. Applicant respectfully traverses this rejection.

As noted above, independent claim 1 is limited to “a closure . . . with an orientation so that only a single hand of the user is required to open each of the closures”. It may be noted next that “A closure adapted so that only a single hand of the law enforcement officer is required to open the pocket means that the closure is oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the jacket body” (specification, par. [0024]).

However, Shanhouse clearly fails to provide any teaching or suggestion of a “closure . . . oriented so that the force on the closure handle required to open the closure is directly transferred to the body of the wearer without distortion (i.e., wrinkling or bunching) of the closure or of the

jacket body”. For example, with regard to the zipper 33 referred to by the Examiner, “the wearer may readily open the pouch by pulling one of the zippers 32 upwardly and opening the slit 31 as shown in Fig. 3” (Shanhouse, page 2, left col., lines 11-14). Since the zipper 32 is pulled upwards, the activation of the zipper would clearly require two hands.

In contrast, the claimed invention is drawn to a closure orientation in which the zipper is pulled downward and away from the neck. Pulling a zipper downward and away from the neck causes any force to be transferred through the jacket to the back of the neck of a user. Since the jacket is already in contact with the back of the neck of the wearer, the pulling action does not cause wrinkling or bunching of the jacket. In effect, the orientation of the zipper causes the jacket to be self-stabilizing even under the forces imparted to the jacket by opening a closure.

Since Shanhouse shows zippers that are closed by pulling upwards, Shanhouse does not do the same or any similar thing as that of the claimed invention. Since Shanhouse does not do the same or anything similar to that of the claimed invention, the rejection of independent claims 1 is improper and should be withdrawn.

The Examiner asserts that “Shanhouse does not disclose the use of the receptacles or pockets to receive police equipment, however such a recitation also amounts to an intended use of the claimed structure” (Office Action of 7/21/05, page 11). It is noted in this regard that the claims are not drawn to an intended use; but, instead, to the adaptations of the pockets (discussed above) that allows efficient police use.

For any of the above reasons, Shanhouse does not do the same or any similar thing as that of the claimed invention. Since Shanhouse does not do the same or any similar thing as that of the claimed invention, the rejections are improper and should be withdrawn.

Claim 9 stands rejected under 35 U.S.C. §103(a) as being obvious over Ost et al.

Applicant respectfully traverses this rejection.

Claim 9 is dependent upon claim 1. Since, as demonstrated above, claim 1 is allowable, then so to is claim 9.

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being obvious over Ost et al. in view of U.S. Pat. No. 1,773,442 to Speh. Applicant respectfully traverses this rejection.

It may be noted in this regard that Speh (as with Ost et al.) fails to provide any teaching or suggestion of “a closure disposed on each of the plurality of pockets with an orientation so that only a single hand of the user is required to open each of the closures”. Since the combination of Ost et al. and Speh fail to teach or suggest this claim element, the combination fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejection is improper and should be withdrawn.

Claims 14 stands rejected under 35 U.S.C. §103(a) as being obvious over Ost et al. in view of U.S. Pat. No. 4,637,075 to Ingrisano et al. Applicant respectfully traverses this rejection.

It may be noted in this regard that Ingrisano et al. (as with Ost et al.) fails to provide any teaching or suggestion of “a closure disposed on each of the plurality of pockets with an orientation so that only a single hand of the user is required to open each of the closures”. Since the combination of Ost et al. and Ingrisano et al. fail to teach or suggest this claim element, the combination fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejection is improper and should be withdrawn.

Claims 3-5 stands rejected under 35 U.S.C. §103(a) as being obvious over Shanhouse in view of U.S. Pat. No. 3,738,367 to Hardy. Applicant respectfully traverses this rejection.

It may be noted in this regard that Hardy (as with Shanhouse) fails to provide any teaching or suggestion of “a closure disposed on each of the plurality of pockets with an orientation so that only a single hand of the user is required to open each of the closures”. Since the combination of Shanhouse and Hardy fail to teach or suggest this claim element, the combination fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejection is improper and should be withdrawn.

Claims 22-25 and 27-31 stand rejected under 35 U.S.C. §103(a) as being obvious over Shanhouse in view of Ost et al. Applicant respectfully traverses this rejection.

It may be noted in this regard that, as noted above Shanhouse and Ost et al. fail to provide any teaching or suggestion of “a closure disposed on each of the plurality of pockets with an orientation so that only a single hand of the user is required to open each of the closures”. Since the combination of Shanhouse and Ost et al. fail to teach or suggest this claim element, the combination fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejection is improper and should be withdrawn.

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Primary Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Primary Examiner is respectfully requested to call the undersigned at the below-listed number.

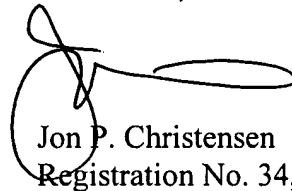
The Commissioner is hereby authorized to charge any additional fee which may be

required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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